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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/780,320

02/17/2004

Jack E. Caveney

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32915

7590

08/15/2006

PANDUIT CORP.

LEGAL DEPARTMENT - TP12

17301 SOUTH RIDGELAND AVENUE

TINLEY PARK, IL 60477

EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/780,320	Applicant(s) CAVENEY ET AL.	
	Examiner Philip Gabler	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

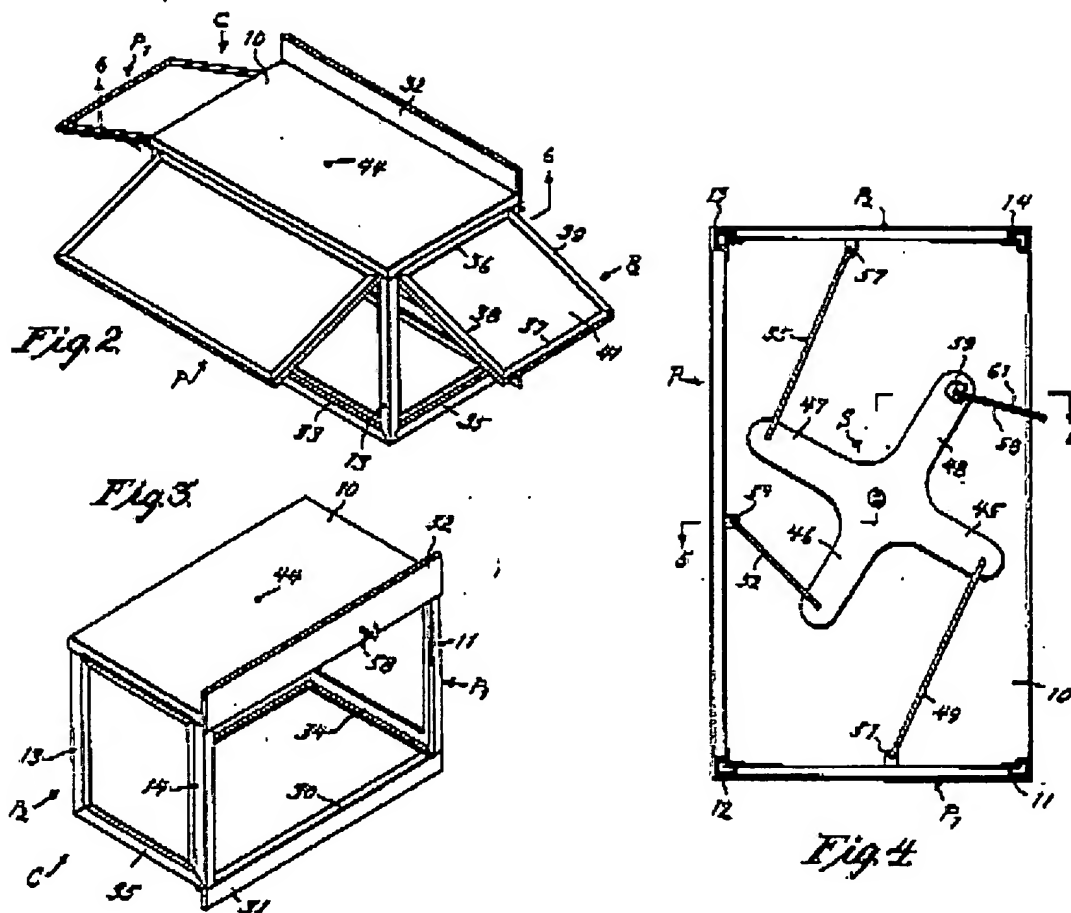
### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Thiede et al. (US Patent Number 3006498). Thiede (Figures 2-4) discloses a wall mountable cabinet comprising: a rear section (10-14, 31-35, etc.) having a top side (10) and a bottom side (members 30, 33, 34, etc.), the rear section including a cutout area (space defined by members 12, 13, 33, etc.) at one end (i.e. the front end) of the top side, wherein the cutout area is capable of allowing access for cables to enter the cabinet; and a front section (P) hingedly connected to the rear section at a pivot point (front edge of 10), wherein the cutout area is capable of allowing cables to rotate about the pivot point when the cabinet is moved from a closed position to an open position (the opening and closing of front section, P, for instance).
3. Regarding claim 3, Thiede further discloses two side access panels (P1 and P2) hingedly connected to the front section (through mechanism S and links 49, 52, and 55).



Thiede et al. '498 Figures 2-4

4. Claims 1, 4, 6, 7, 9, 11, 14, 17, 19, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansson (US Patent Number 5568362). [Note that for the 35 USC 102(b) rejections in view of Hansson, Hansson's device is viewed in an inverted position as shown in Exhibit 2.] Hansson (Figures 1, 2, and 4) discloses a wall mountable cabinet comprising: a rear section (13) having a top side (at member 22) and a bottom side (opposite member 22), the rear section including a cutout area (20) at one end (the right end in Exhibit 2) of the top side, wherein the cutout area is capable of

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allowing access for cables to enter the cabinet; and a front section (10) hingedly connected to the rear section at a pivot point (28) adjacent the cutout area at the end of the top side of the rear section, wherein the cutout area is capable of allowing cables to rotate about the pivot point when the cabinet is moved from a closed position to an open position (the movement of the front section about pivot point 28, for instance).

5. Regarding claim 4, Hansson further discloses a front door (12a) hingedly connected to the front section (see Figure 1), wherein the front door includes a transparent window (see column 1 lines 64-65).

6. Regarding claim 6, Hansson further discloses a slack cable manager (viewed as A in Exhibit 1) secured to a rail (23) mounted therein.

7. Regarding claim 7, Hansson further discloses a patch panel (30) secured to a rail (15) mounted therein.

8. Regarding claim 9, Hansson further discloses active equipment (17, 19) secured to a rail (15) mounted therein (via panel 30).

9. Regarding claim 11, Hansson discloses a wall mountable cabinet comprising: a rear section (13) having a top side (at member 22) and a bottom side (opposite member 22), the rear section including a cutout area (20) at one end (the right end in Exhibit 2) of the top side; and a front section (10) hingedly connected to the rear section (through hinge 28), the front section having a cable management ring (A, which points to a cable tie secured to tie bracket 23, the cable tie being viewed as a cable management ring) secured thereon, wherein when the cabinet is in a closed position, the cable management ring is vertically aligned with the cutout area (as is clear in Figure 2, where

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a vertical cable, 18, passes through the cable management ring and is aligned to enter the cutout area upon closure of the cabinet).

10. Regarding claim 14, Hansson further discloses a front door (12a) hingedly connected to the front section (see Figure 1), wherein the front door includes a transparent window (see column 1 lines 64-65).

11. Regarding claim 17, Hansson further discloses a patch panel (30) secured to a rail (15) mounted therein.

12. Regarding claim 19, Hansson further discloses active equipment (17, 19) secured to a rail (15) mounted therein (via panel 30).

13. Regarding claim 23, Hansson further discloses the front section (10) hingedly connected to the rear section at a pivot point (28) adjacent the cutout area at the end of the top side of the rear section.

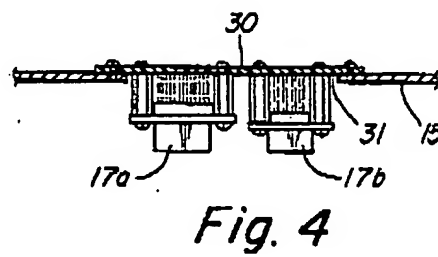
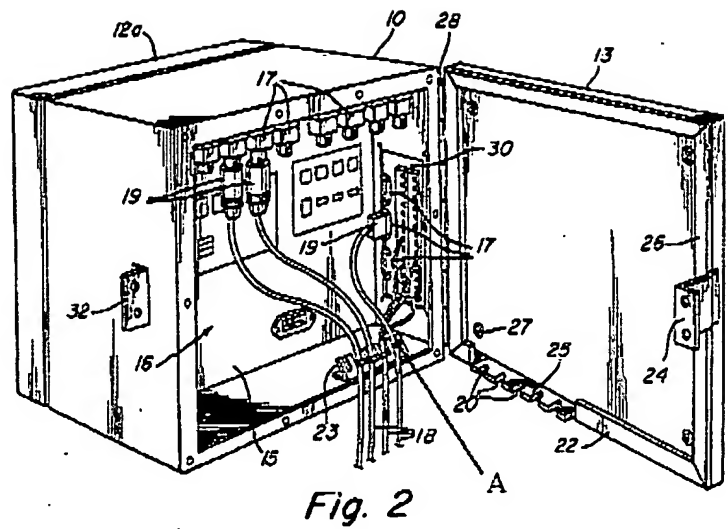
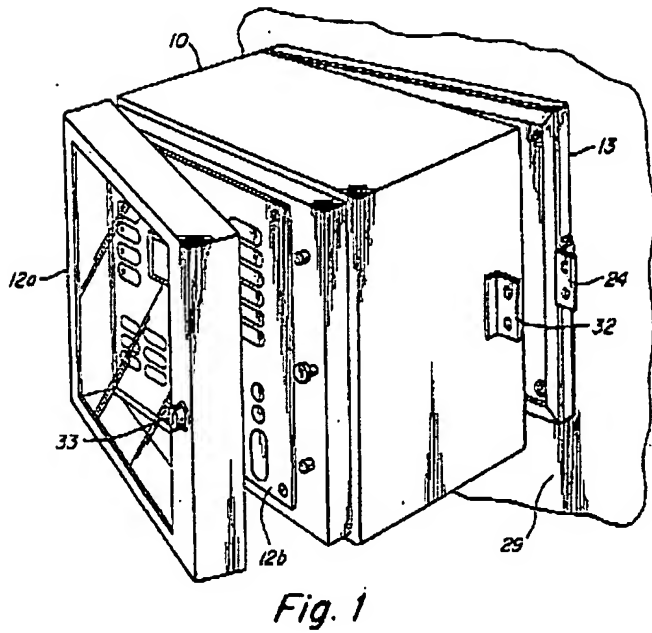


Exhibit 1: Hansson '362 Figures 1, 2, and 4

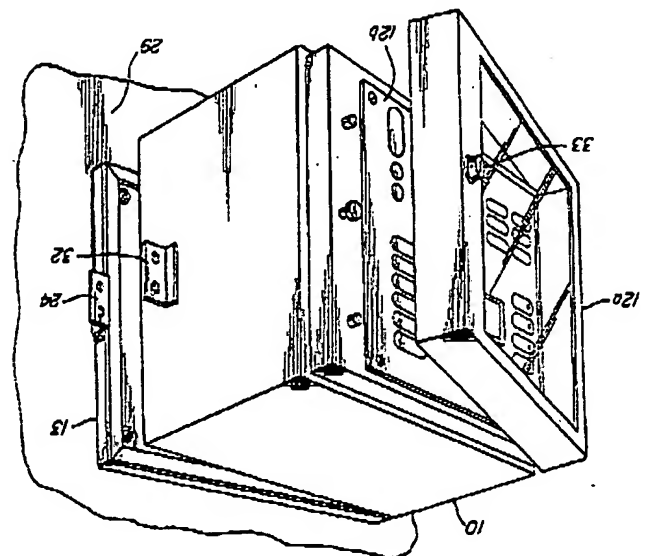
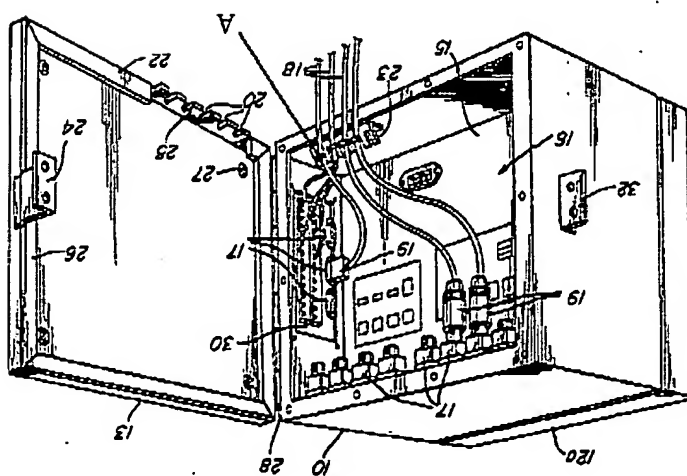


Exhibit 2: Hansson '362 inverted Figures 1 and 2

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1, 4, 6, 7, 9, 11, 14, 17, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson. Hansson (Figures 1, 2, and 4) discloses a wall mountable cabinet comprising: a rear section (13) having a top side (opposite member 22) and a bottom side (at member 22), the rear section including a cutout area (20) at one end (the left end in Figure 2) of the bottom side, wherein the cutout area is capable of allowing access for cables to enter the cabinet; and a front section (10) hingedly connected to the rear section at a pivot point (28) adjacent the cutout area at the end of the bottom side of the rear section, wherein the cutout area is capable of allowing cables to rotate about the pivot point when the cabinet is moved from a closed position to an open position (the movement of the front section about pivot point 28, for instance). Hansson discloses the cutout area at the bottom side rather than the top side of his rear section. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to relocate the cutout area (and associated cable control elements) to the top side as desired by a user since it has been held that the mere shifting of location of elements of a device requires only routine skill in the art.



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16. Regarding claim 4, Hansson further discloses a front door (12a) hingedly connected to the front section (see Figure 1), wherein the front door includes a transparent window (see column 1 lines 64-65).

17. Regarding claim 6, Hansson further discloses a slack cable manager (viewed as A in Exhibit 1) secured to a rail (23) mounted therein.

18. Regarding claim 7, Hansson further discloses a patch panel (30) secured to a rail (15) mounted therein.

19. Regarding claim 9, Hansson further discloses active equipment (17, 19) secured to a rail (15) mounted therein (via panel 30).

20. Regarding claim 11, Hansson discloses a wall mountable cabinet comprising: a rear section (13) having a top side (opposite member 22) and a bottom side (at member 22), the rear section including a cutout area (20) at one end (the left end in Figure 2) of the bottom side; and a front section (10) hingedly connected to the rear section (through hinge 28), the front section having a cable management ring (A, which points to a cable tie secured to tie bracket 23, the cable tie being viewed as a cable management ring) secured thereon, wherein when the cabinet is in a closed position, the cable management ring is vertically aligned with the cutout area (as is clear in Figure 2, where a vertical cable, 18, passes through the cable management ring and is aligned to enter the cutout area upon closure of the cabinet). Hansson discloses the cutout area at the bottom side rather than the top side of his rear section. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to relocate the cutout area (and associated cable control elements) to the top side as desired by a user

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since it has been held that the mere shifting of location of elements of a device requires only routine skill in the art.

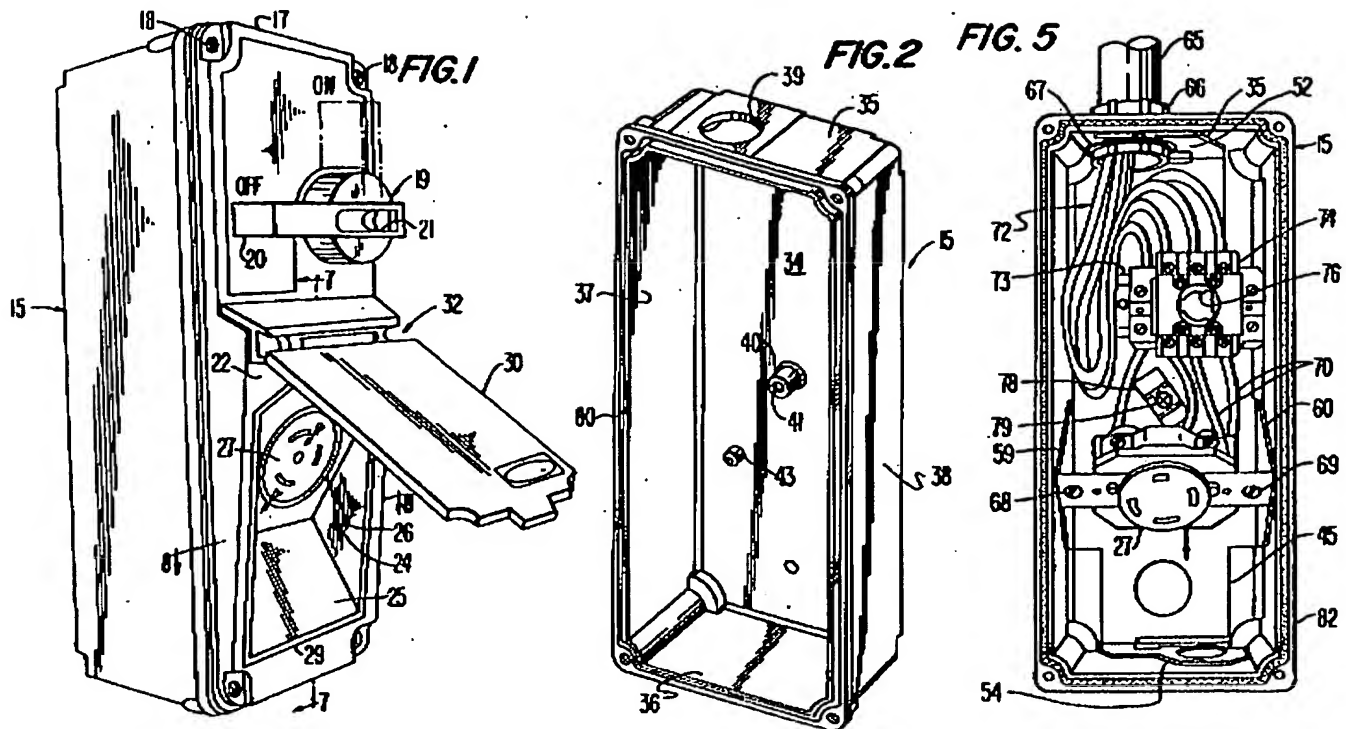
21. Regarding claim 14, Hansson further discloses a front door (12a) hingedly connected to the front section (see Figure 1), wherein the front door includes a transparent window (see column 1 lines 64-65).

22. Regarding claim 17, Hansson further discloses a patch panel (30) secured to a rail (15) mounted therein.

23. Regarding claim 19, Hansson further discloses active equipment (17, 19) secured to a rail (15) mounted therein (via panel 30).

24. Regarding claim 23, Hansson, modified as described above, further discloses the front section (10) hingedly connected to the rear section at a pivot point (28) adjacent the cutout area at the end of the top side of the rear section.

25. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Ehrenfels (US Patent Number 5239129). Hansson discloses a wall mountable cabinet as recited in claims 1 and 11 as described above but does not disclose a duct positioned adjacent the cutout area. Ehrenfels discloses a wall mountable cabinet with a duct (65) adjacent to a cutout area (39). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cabinet to include a duct positioned adjacent to the cutout area as taught by Ehrenfels because this arrangement would protect cables routed through the cutout area.



Ehrenfels '129 Figures 1, 2, and 5

26. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Nelson et al. (US Patent Number 6061966). Hansson discloses a wall mountable cabinet as recited in claims 1 and 11 as described above but does not disclose a rod which maintains the front section in an open position. Nelson (Figure 17) discloses a cabinet comprising a rod (302) which maintains the front section (200) in an open position about 90 degrees from the rear section (308). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cabinet to include a rod to maintain the front section in an open

position as taught by Nelson because this arrangement would facilitate access to Hansson's cabinet by providing a prop for the front section.

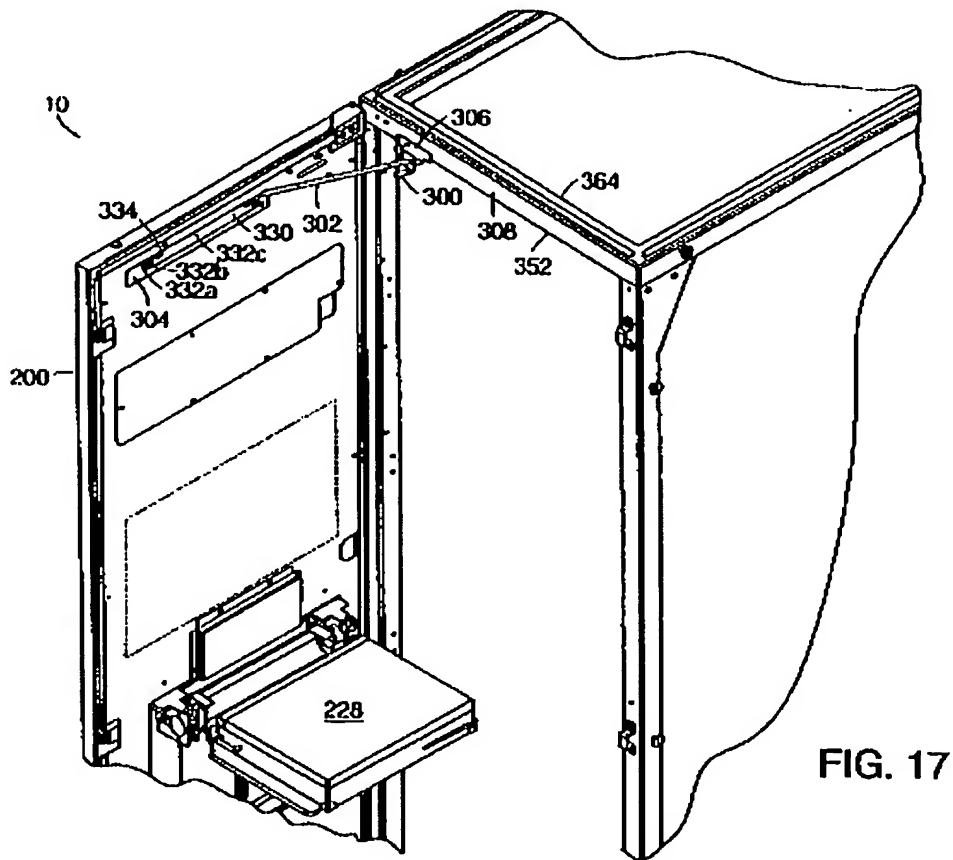


FIG. 17

Nelson et al. '966 Figure 17

27. Claims 8, 10, 16, 18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of English et al. (US Patent Number 6067233). Hansson discloses a wall mountable cabinet as recited in claims 1 and 11 as described above but does not disclose a horizontal cable manager secured to a rail. English (Figure 1) discloses a bar (12) mounted to a rail (17) intended for both cable management use and mounting of electronic modules (see column 3 lines 59-62) and

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that is capable of supporting a slack cable manager, horizontal cable manager, patch panel or active equipment as is known in the art. Accordingly, it would have been obvious to one of ordinary skill in the art to modify Hansson's cabinet to include a cable manager or electronic component mount secured to a rail system as taught by English because this arrangement would provide more versatility to Hansson's cabinet while maintaining organization.

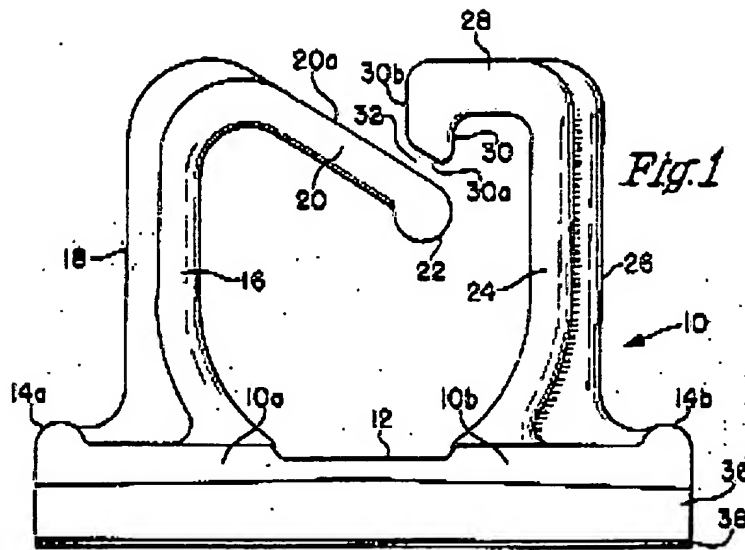
28. Regarding claims 10 and 22, Hansson discloses a wall mountable cabinet as recited in claims 4 and 14 as described above but does not disclose an adjustable rail. English discloses a rail (12) that can be adjusted (via holes 23) to various positions within a cabinet (10). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cabinet to include an adjustable rail as taught by English because this would allow greater flexibility as to what could be mounted in his cabinet.

29. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Thiede. Hansson discloses a wall mountable cabinet as recited in claim 11 as described above but does not disclose two side access panels. Thiede discloses a wall mountable cabinet with two side access panels (P1 and P2) hingedly connected to a front section (P through mechanism S and links 49, 52, and 55). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to modify Hansson's cabinet to include two side access panels as taught by Thiede because this arrangement would greatly increase access to the interior of Hansson's cabinet.

30. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Erickson (US Patent Number 3659319). Hanson discloses a wall mountable cabinet as recited in claim 11 as described above but does not disclose a cable management ring with substantially L-shaped arms. Erickson (Figure 1) discloses a wire management clip with first (16 and 20) and second (24 and 28) substantially L-shaped arms having distal portions (20 and 28) oriented substantially 90 degrees from substantially linear portions (16 and 24), wherein the arms are formed of a material and construction capable of providing rotation (i.e. plastic; see column 2 lines 17-18) about the axis of their linear portions. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hansson's cable management ring to include substantially L-shaped arms as taught by Erickson because this arrangement would make securing and removing cables from the ring more efficient.



Erickson '319 Figure 1

### ***Response to Arguments***

31. Applicant's arguments, see the first and third pages of remarks, filed 29 June 2006, with respect to 35 USC 112 rejections of claims 21 and 24, and the 35 USC 102(b) rejections of claims 1 and 2 in view of Ehrenfels (specifically the proximity of Ehrenfels pivot point to his cutout area) have been fully considered and are persuasive. The 35 USC 112 rejections of claims 21 and 24, and the 35 USC 102(b) rejections of claims 1 and 2 in view of Ehrenfels have been withdrawn.

32. Applicant's arguments filed 29 June 2006 regarding the 35 USC 102(b) rejection of claims 1 and 3 in view of Thiede have been fully considered but they are not persuasive. Thiede does disclose a cabinet as recited in claims 1 and 3 as described above. Further, while not explicitly disclosing cables, Thiede's cabinet is capable of



handling cables as claimed (while the cables themselves are introduced in functional language and accordingly are not viewed as positive claim limitations).

33. The remainder of Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

34. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG   
8/3/2006

  
JAMES O. HANSEN  
PRIMARY EXAMINER